

1 CY T. HAINEY, ESQ., (State Bar No. 030634)  
2 Attorney/Owner  
3 Hilltop Law Firm  
4 P.O. Box 9096  
5 Phoenix, Arizona 85068  
6 Telephone and Fax - (602) 466-9631  
7 cy@hilltoplawfirm.com  
8 www.hilltoplawfirm.com

9 Of Counsel to:  
10 Credit Repair Lawyers of America  
11 39111 Six Mile Road, Suite 142  
12 Livonia, MI 48152  
13 Telephone: (248) 353-2882  
14 Facsimile: (248) 353-4840

15 *Attorneys for Plaintiffs,*  
16 *Daniel Cook and Stephanie Trzaskowski*

17 IN THE UNITED STATES DISTRICT COURT  
18 FOR THE DISTRICT OF ARIZONA (PHOENIX)  
19

20 Daniel Cook and Stephanie Trzaskowski,

21 Plaintiffs,

22 vs.

23 Hunter Warfield, Inc.,

24 Defendant.  
25  
26  
27  
28

Case No.:

**COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COME THE PLAINTIFFS, DANIEL COOK AND STEPHANIE  
2 TRZASKOWSKI, BY AND THROUGH COUNSEL, CY T. HAINEY, ESQ, and for  
3 their Complaint against the Defendant, plead as follows:  
4

5 **JURISDICTION**

- 6  
7 1. This court has jurisdiction under the Fair Debt Collection Practices Act  
8 (“FDCPA”), 15 U.S.C. §1692k(d) and 28 U.S.C. §§1331,1337.

9 **VENUE**

- 10  
11 2. The transactions and occurrences which give rise to this action occurred in the  
12 city of Phoenix, Maricopa County, Arizona.  
13  
14 3. Venue is proper in the District of Arizona, Phoenix Division.

15 **PARTIES**

- 16 4. Plaintiffs are natural persons residing in the city of Phoenix, Maricopa County,  
17 Arizona.  
18  
19 5. The Defendant to this lawsuit is Hunter Warfield, Inc. (“Defendant”), which is  
20 a foreign corporation that conducts business in the State of Arizona.

21 **GENERAL ALLEGATIONS**

- 22  
23 6. Defendant is attempting to collect a consumer type debt allegedly owed by  
24 Plaintiffs to a third party in the amount of \$855.00 (“the alleged Debt”).  
25  
26 7. Plaintiffs dispute the alleged Debt.

1 8. On September 30, 2022, Plaintiff Daniel obtained his Trans Union credit  
2 disclosure and noticed that Defendant was reporting the alleged Debt as a  
3 collection item.  
4

5 9. On November 1, 2022, Plaintiff Stephanie obtained her Trans Union credit  
6 disclosure and noticed that Defendant was reporting the alleged Debt as a  
7 collection item.  
8

9 10. On November 18, 2022, the Plaintiffs, through their attorneys, sent a Request  
10 for Validation of Debt to Defendant to get more information about the alleged  
11 Debt as they didn't receive any collection letter from Defendant about the  
12 alleged Debt. Plaintiff's attorney included a cease and desist clause in the  
13 Request for Validation of Debt for Defendant to cease contact with the  
14 Plaintiffs.  
15

16  
17  
18 11. On November 22, 2022, the Plaintiffs received confirmation that Defendant  
19 received their Request for Validation of Debt.  
20

21 12. On November 30, 2022, a prospective lender, Elan Visa, obtained Plaintiff  
22 Stephanie's Trans Union credit file.  
23

24 13. On December 21, 2022, Plaintiff Daniel obtained his Trans Union credit  
25 disclosure, which showed that Defendant last reported the tradeline reflected by  
26 the collection item to Trans Union on December 18, 2022, and failed or refused  
27 to flag the tradelines as disputed, in violation of the FDCPA.  
28

1 14. On December 22, 2022, Plaintiff Stephanie obtained her Trans Union credit  
2 disclosure, which showed that Defendant last reported the tradeline reflected by  
3 the collection item to Trans Union on December 18, 2022, and failed or refused  
4 to flag the tradeline as disputed, in violation of the FDCPA.  
5

6  
7 15. On December 27, 2022, Defendant called Plaintiff Daniel. Although Plaintiff  
8 Daniel is represented by an attorney and Plaintiff Daniel's attorney asked  
9 Defendant to cease contact with Plaintiff, Defendant continued to contact  
10 Plaintiff, in violation of the FDCPA.  
11

12  
13 16. In the credit reporting industry, data furnishers, such as Defendant,  
14 communicate electronically with the credit bureaus.  
15

16 17. Defendant had more than ample time to instruct Trans Union to flag its  
17 collection item as disputed.  
18

19 18. Defendant's inaction to have its collection item on Plaintiffs' Trans Union  
20 credit reports flagged as disputed was either negligent or willful.  
21

22 19. Plaintiffs suffered pecuniary and emotional damages as a result of Defendant's  
23 actions. Because Defendant failed or refused to flag its collection item as  
24 disputed, Plaintiff's credit score has been improperly depressed, making it  
25 harder for them to obtain employment, housing, and credit for their day-to-day  
26 needs. Their credit reports continue to be damaged due to Defendant's failure  
27 to properly report the associated collection item. Plaintiffs have suffered stress,  
28

1 anxiety, depression, anger, nervousness, frustration, panic attacks, and crying  
2 spells, due along with loss of sleep, restlessness/ discomfort, tense discussions  
3 with each other, and stomach problems due to Defendant's failure to comply  
4 with its obligations under the Fair Debt Collection Act.  
5

6  
7 **VIOLATION OF**  
8 **THE FAIR DEBT COLLECTION PRACTICES ACT**

9 20.Plaintiffs reincorporate the preceding allegations by reference.  
10

11 21.At all relevant times, Defendant, in the ordinary course of its business, regularly  
12 engaged in the practice of collecting debt on behalf of other individuals or  
13 entities.  
14

15 22.Plaintiffs are a "consumer" for purposes of the FDCPA, and the account at issue  
16 in this case is a consumer debt.  
17

18 23.Defendant is a "debt collector" under the Fair Debt Collection Practices Act  
19 ("FDCPA"), 15 U.S.C. §1692a(6). Defendant's foregoing acts in attempting to  
20 collect this alleged debt violated the following provisions of the FDCPA:  
21

22 a. 15 U.S.C. §1692c by communicating with Plaintiff Daniel after  
23 receiving notice that Plaintiff Daniel is represented by attorney and  
24 failure to cease communication with Plaintiff Daniel after receiving a  
25 written notice to cease communication with Plaintiff Daniel.  
26  
27  
28

1 b. 15 U.S.C. §1692e by using deceptive practices and false  
2 representations to collect the alleged Debt by contacting Plaintiff Daniel  
3 after receiving notice that Plaintiff Daniel is represented by an attorney.  
4

5 24. Defendant's foregoing acts in attempting to collect this alleged Debt violated 15  
6 U.S.C. §1692e(8) of the FDCPA by reporting credit information which is  
7 known to be false, including the failure to communicate that a disputed debt is  
8 disputed.  
9

10 25. Plaintiffs have suffered harm and damages at the hands of Defendant, and this  
11 harm was one that was specifically identified and intended to be protected  
12 against on behalf of a consumer, such as Plaintiffs, by Congress.  
13

14 26. Defendant's failure to flag its collection item as disputed on Plaintiffs'  
15 consumer credit files is humiliating and embarrassing to Plaintiffs, as it creates  
16 a false impression to users of their credit reports that they have simply ignored  
17 this debt when, in fact, they dispute its validity. Again, Defendant's failure or  
18 refusal to flag the alleged Debt as disputed depresses Plaintiffs' credit scores.  
19

20 27. To date, and as a direct and proximate cause of Defendant's failure to honor its  
21 statutory obligations under the FDCPA, Plaintiffs have suffered, and continue  
22 to suffer, from stress, frustration, and humiliation from not being able to get a  
23 loan.  
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1 28.To date, and as a direct and proximate cause of Defendant’s failure to honor its  
2 statutory obligations under the FDCPA, Plaintiffs have suffered, and continue  
3 to suffer, from degraded credit reports and credit scores.  
4

5 29.Plaintiffs have suffered economic, emotional, general, and statutory damages  
6 as a result of these violations of the FDCPA.  
7

8 **WHEREFORE, PLAINTIFFS PRAY** that this court grant them a judgment  
9 against Defendant for actual damages, costs, interest, and attorneys’ fees.  
10

11 **DEMAND FOR JUDGMENT RELIEF**

12 Accordingly, Plaintiffs request that the Court grant them the following relief  
13 against Defendant:  
14

- 15 a. Actual damages;  
16 b. Statutory damages; and  
17 c. Statutory costs and attorneys’ fees.  
18

19 **JURY DEMAND**

20 Plaintiffs hereby demand a trial by Jury.  
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22 DATED: January 3, 2023  
23

24 HILLTOP LAW FIRM  
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By: /s/ Cy T. Hainey  
Cy T. Hainey, Esq.,  
Attorneys for Plaintiff,  
Daniel Cook and Stephanie Trzaskowski



